

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Yu et al.

Docket No.: PF343P3C5

Application No.: 09/589,288

Confirmation No.: 1519

Filed: June 8, 2000

Art Unit: 1647

For: Methods of Treatment Using Antibodies to  
Neutrokin- $\alpha$  (As Amended)

Examiner: B. E. Bunner

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Agent for Applicants hereby directs the Examiner's attention to references G1-G4 listed on the attached Form PTO/SB/08. Copies of G1-G4 are enclosed.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

The listed references are presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed references of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Pursuant to 37 C.F.R. § 1.97(d), since this Information Disclosure Statement is being filed after the mailing date of a Final Office Action, or a Notice of Allowance under 37 C.F.R.

§ 1.311, or an action that otherwise closes prosecution, but before payment of the Issue Fee, the Patent and Trademark Office will consider this Information Disclosure Statement if it is accompanied by a statement as specified in 37 C.F.R. § 1.97(e) and by the fee as specified in 37 C.F.R. § 1.17(p).

#### Reference G1

Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(2) that item G1 contained in the Form PTO/SB/08 submitted herewith was not cited in a communication from a foreign patent office in a counterpart foreign application more than three months prior to the filing of this Information Disclosure Statement. Moreover, to the knowledge of the undersigned, after making reasonable inquiry, item G1 contained in the Form PTO/SB/08 submitted herewith was not known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicants are submitting G1 to disclose their involvement in Opposition Proceedings in Europe against a patent issued to a third party in which the claims at issue are related to the claims of the instant application. Specifically, reference G1, was submitted to the European Patent Office on June 6, 2005 in conjunction with Opposition Proceedings against EP Patent No. 1141274 issued to ZymoGenetics, Inc (ZymoGenetics). Reference G1 is the response of ZymoGenetics to Oppositions of EP Patent No. 1141274 lodged by Corixa Corporation (Corixa), Human Genome Sciences Inc. (HGS), Genentech, Inc. (Genentech) and Biogen Idec, Inc. (Biogen).

To set reference G1 in context for the Examiner, Applicants also provide herewith a copy of EP Patent No. 1141274 issued to ZymoGenetics and copies of Oppositions to EP Patent No. 1146892 lodged by each of Corixa, HGS, Genentech, and Biogen. Applicants also provide courtesy copies of supporting documents D1-D40 as listed on pages 146-147 of reference G1.

#### References G2-G4

The undersigned further certifies pursuant to 37 C.F.R. § 1.97(e)(1) that references G2-G4 were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement. In addition, pursuant to 37 C.F.R. § 1.704(d), the undersigned certifies that References G2-G4 contained in this Information Disclosure Statement were first cited in a

communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. In particular, the listed references were cited in a European Search Report (reference G4) mailed August 8, 2005 in connection with a related European patent application. The Moore et al. reference that is listed on the European Search Report, but not on the Form PTO/SB/08 submitted herewith, was previously cited in this application as reference A59 in Applicants' Information Disclosure Statement filed August 20, 2001. The Nardelli et al. reference that is listed on the European Search Report, but not on the Form PTO/SB/08 submitted herewith, was cited in an International Search Report for a related application, PCT/US02/32910, that was filed after the filing date of the present application. A courtesy copy of the Nardelli et al. reference is provided herewith.

The Patent & Trademark Office is hereby authorized to charge our Deposit Account No. 08-3425 in the amount of \$180.00 as payment of the required fee, as itemized on the Fee Transmittal Sheet submitted concurrently herewith. The Patent & Trademark Office is also authorized to charge any additional required fee or credit any overpayment in connection with this submission to our Deposit Account No. 08-3425.

Dated: August 26, 2005

Respectfully submitted,

By Michele Shannon  
Michele Shannon

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KKH/MS/ba

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Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	09/589,288-Conf. #1519
				Filing Date	June 8, 2000
				First Named Inventor	Guo-Liang Yu
				Art Unit	1647
				Examiner Name	B. E. Bunner
Sheet	1	of	1	Attorney Docket Number	PF343P3C5

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>	
	G1	ZymoGenetics' Observations in Reply (158 pages) to Oppositions of EP Patent No. 1141274 lodged by Corixa Corporation, Human Genome Sciences, inc., Genentech, Inc., and Biogen Idec, Inc. The Observations in Reply was filed in the European Patent Office on June 7, 2005.		
	G2	STOHL, W., "A therapeutic role for BLYS antagonists," <i>Lupus</i> , 13:317-322 (2004).		
	G3	NOVAK et al., "Expression of BLYS and its receptors in B-cell non-Hodgkin lymphoma: correlation with disease activity and patient outcome," <i>Blood</i> , 104(8):2247-2253 (2004).		
	G4	European Search Report, European Application No. EP 05 01 2261, mailed August 8, 2005.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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